IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8590 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AHMEDABAD DISTRICT CO. OPERATIVE BANK LTD. - Petitioner(s)

Versus

RAMESHBHAI D PATEL - Respondent(s)

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Appearance :

NANAVATI ASSOCIATES for Petitioner(s) : 1,
MR AK CLERK for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 15/12/2005

ORAL JUDGMENT

1. The petitioner, namely, Ahmedabad District Co.Operative Bank Ltd., has filed this petition

under Article 226 of the Constitution of India, praying for quashing and setting aside the impugned order dated 13.4.2000 passed by the Industrial Court, Ahmedabad, in Review Application (IC) No.1/1999, whereby the petitioner Bank was directed to pay difference in salary and other benefits to the respondent for the period 1970 to 2.4.1998 and was further directed to pay compound interest at the rate of 10% per annum on the said amount payable for the said period to the respondent with effect from 17.12.1997.

2. The petition was admitted on 8.10.2001 and stay was granted by this Court against the execution of order passed by the Industrial Court till final decision of the petition.

3. During the pendency of the aforesaid petition, settlement was arrived at between the

parties. The respondent has filed a declaration dated 8.12.2005, wherein it has been stated that he has no grievance with the petitioner Bank and he does not proceed with the matter any further since he has voluntarily given up his claim for the amount for which he has filed Review Application before the Industrial Court. It has been further stated that he has given up his claim for all the retirement benefit from the Bank in view of the fact that the respondent Bank has offered appointment to his son Shri Tirath Rameshbhai Patel. A copy of the said declaration is taken on record.

4. The respondent is present before the Court and he has confirmed that he has signed the aforesaid declaration. In view of the aforesaid declaration and in view of the settlement arrived at between the parties, the impugned order passed by the Industrial Court is hereby

quashed and set aside.

5. This petition is accordingly allowed. Rule is made absolute without any order as to costs.

(K. A. PUJ, J.)

kks